

United States District Court

MAY -1 2014

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Luis Enrique Espinoza-Garcia

PRINCIPAL

Case Number:

A200 814 303

YOB: 1976

the United Mexican States

M-14-0863-M

Amado Espinoza-Zuniga

CO-PRINCIPAL

A206 720 348

YOB: 1975

the United Mexican States

Hugo Morales-Tellez

CO-PRINCIPAL

A206 720 349

YOB: 1987

the United Mexican States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 29, 2014 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Jose Rodriguez-Diaz and Celina Hernandez-Jose, citizens and nationals of the United Mexican States, along with twenty-eight (28) other undocumented aliens, for a total of thirty (30), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On April 29, 2014, the McAllen Border Patrol Intelligence Unit received information from an a concerned citizen identifying a suspected harboring residence located at 3710 Molly St in Edinburg, Texas. The caller also stated a subject known as "Oso" was the facilitator of the smuggled aliens and he resides at 2312 Zeke Ave in Edinburg and drove an Acura car. Through interviews, the Harlingen Border Patrol Intelligence Unit was also made aware of the suspected harboring residence at 3710 Molly St. Agents conducted a custodial escort of an illegal alien claiming to know the location of a harboring residence in Edinburg. The illegal alien positively identified 3710 Molly St. as the mobile home where he was harbored.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved:

Robert W. L. Lora
5/1/2014

Signature of Complainant

Ricardo Ibañez Jr. Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

May 1, 2014
Date

8:55 am

McAllen, Texas
City and StatePeter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

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CONTINUATION:

Based on the information, Agents proceeded to conduct surveillance at both locations. Upon arriving at 3710 Molly St., Agents observed two subjects outside of the property. The two subjects later identified as Luis Espinoza-Garcia and Amado Espinoza-Zuniga loaded approximately 8 large trash bags in the bed of a Chevrolet pickup. This is common practice for harboring locations to portray normal living conditions without the presence of excess trash for large numbers of people. The subjects boarded the pickup and departed the area. Agents followed the vehicle and Officer A. Collins of the Hidalgo County Constables Office conducted a traffic stop for Failure to signal a turn. The subjects failed to provide identification and Border Patrol arrived to assist in the interviews.

Border Patrol Agent (BPA) D. Deanda and Supervisor R. Santos approached the traffic stop and interviewed the driver, Luis Espinoza-Garcia. Espinoza-Garcia admitted to being illegally present in the United States. He also stated he was taking out the trash from a mobile home that he was renting. Espinoza-Garcia then stated he had control over the mobile home and granted Agents consent to search the property. The passenger, Amado Espinoza-Zuniga also admitted to being illegally present in the United States. Agents conducted a search of the subjects' incident to arrest and discovered a small bag hidden in the cap of Espinoza-Zuniga. The bag contained a white powdery substance which was later determined to be cocaine. Hidalgo County Constables Office took custody of the controlled substance and the subjects were taken into Border Patrol custody.

Agents then approached 3710 Molly St. and the tenant, Luis Espinoza-Garcia, opened the front door to the mobile home. A total of 30 subjects were encountered inside the residence and all admitted to being illegal aliens and taken into custody. During this time, Agents maintained surveillance at 2312 Zeke Ave and observed a black and gold Acura depart the residence. Hidalgo County Constables Office conducted a traffic stop on the vehicle for speeding and encountered two subjects. Border Patrol arrived to assist in the interviews and identified the driver as Daisy Cristina Cid-Rodriguez and the passenger as Hugo Morales-Tellez. Both of the subjects admitted to being illegally in the United States and taken into custody. Daisy Cristina Cid-Rodriguez failed to provide information and was not associated with this case.

Through interviews, Agents identified Luis Enrique Espinoza-Garcia, Amado Espinoza-Zuniga, and Hugo Morales-Tellez as principals for their alien smuggling involvement.

PRINCIPAL STATEMENTS:

1. Luis Enrique ESPINOZA-Garcia was read his Miranda Rights by BPA R. Salinas. ESPINOZA-Garcia stated he understood and was willing to provide a statement.

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CONTINUATION:

ESPINOZA-Garcia claimed to be a citizen of Mexico and illegally entered into the United States. ESPINOZA stated he currently resides at 3710 Molly St. in Edinburg, Texas. He stated a man, known as "La Burra" who was not arrested, was renting the mobile home and paying him to take food to the illegal aliens. He further stated he was going to be paid \$20 for each illegal alien per day that stayed at the home. ESPINOZA-Garcia also stated he and his friend, Amado Espinoza-Zuniga, would share the responsibilities and he was also paid \$20 to assist. ESPINOZA-Garcia was able to provide information regarding the person in charge of the smuggling organization. He stated the man was known as "El Oso" and he handled all the money from the illegal aliens. He continued to add "Oso" would never go to the stash house but was in charge. ESPINOZA-Garcia identified Hugo Morales-Tellez as the subject known as "Oso."

Note: Luis ESPINOZA-Garcia was previously arrested as the principal in a 4 on 6 Administrative Alien Smuggling Case

2. Amado ESPINOZA-Zuniga was read his Miranda Rights by SBPA R. Santos. ESPINOZA-Zuniga stated he understood and was willing to provide a statement.

ESPINOZA-Zuniga claimed to be a citizen of Mexico and illegally entered into the United States. ESPINOZA-Zuniga stated he has been living at the mobile home where he was arrested for two weeks. He stated he agreed to help Luis Espinoza-Garcia feed the illegal aliens at the home. He further stated a man known as "La Burra" was renting the house and he would send Luis Espinoza-Garcia to keep count of the people. He added "La Burra" was not apprehended and elaborated the person in charge was known as "El Oso." He stated "Oso" was the person who handled all the arrangements and money from the illegal aliens. Espinoza-Zuniga identified Hugo Morales-Tellez as the subject known as "Oso."

3. Hugo MORALES-Tellez was read his Miranda Rights by SBPA R. Santos. MORALES stated he understood and was willing to provide a statement.

MORALES-Tellez claimed to be a citizen of Mexico and illegally entered into the United States. MORALES-Tellez stated after his entry he was taken to the house at 2312 Zeke Ave. in Edinburg. He further stated he is a welder but has not been working for five months. He denied any involvement in alien smuggling.

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**CONTINUATION:
MATERIAL WITNESS STATEMENTS:**

All of the Material Witnesses were read their Miranda Rights and agreed to provide a statement.

1. Jose Rodriguez-Diaz claimed to be a citizen of Mexico and illegally entered into the United States. RODRIGUEZ-Diaz stated after his entry, he was transferred and taken to the stash house where he was arrested. He stated he was at the stash house for 3 days and two men would take them food twice a day. RODRIGUEZ-Diaz stated the two men would give them instructions, provide orders, and tell them to remain quiet. RODRIGUEZ-Diaz identified Luis Enrique Espinoza-Garcia and Amado Espinoza-Zuniga as the two men in charge of the mobile home.

2. Celina Hernandez-Jose claimed to be a citizen of Mexico and illegally entered into the United States. HERNANDEZ-Jose stated after his entry, she was taken to the home where she was arrested. Upon arriving at the home, she stated a man opened the door and told them to go inside. HERNANDEZ-Jose identified Hugo Morales-Tellez as the man at the door. He also stated MORALES-Tellez took them food twice a day and instructed them to stay quiet and not go outside. HERNANDEZ-Jose was also able to identify Amado Espinoza-Zuniga and Luis Enrique Espinoza-Garcia as the persons that would drop off food and water to the harboring location.